



114

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): Jean-Francois Viens

For (title): SUPERSTRUCTURE PHOTONIC BAND-GAP GRATING ADD-DROP FILTER

1. **Type of Application**

- ☒ Utility  
☐ Design

2. **Small Entity**

- ☒ Yes  
☐ No

3. **Benefit of Prior U.S. Application(s) Under 35 U.S.C. §120**

This application is a:

- ☐ Divisional  
☐ Continuation  
☐ Continuing Patent Application (CPA) under 37 C.F.R. §1.53(d)  
☐ Continuation-in-part (CIP),

and hereby claims benefit under 35 U.S.C. §120 to the following applications:

| SERIAL NUMBER | FILING DATE |
|---------------|-------------|
|               |             |

4. **Benefit of Non-U.S. Application Under 35 U.S.C. §119(a)-(d)**

This application claims priority under 35 U.S.C. §119(a)-(d) to the following foreign application(s) and/or inventor certificate(s):

| COUNTRY | APPLN. NUMBER | FILING DATE |
|---------|---------------|-------------|
| None    |               |             |

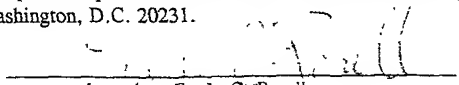
Certified copy(ies) of the application(s) and/or inventor certificate's from which priority is claimed:

- ☐ is(are) attached;  
☐ will follow.

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**CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on March 14, 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV016161884US addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231.

  
Emily C. Porell

5. **Benefit of Provisional Application Under 35 U.S.C. §119(e)**

This application claims priority to the following provisional application(s):

| SERIAL NUMBER | FILING DATE |
|---------------|-------------|
| None          |             |

6. **Papers Enclosed Which Are Required For Filing Date Under 37 C.F.R. §1.53**

22 Pages of Specification, including claims, abstract, and cover sheet

10 Sheets of Drawing

7. **Additional Papers Enclosed**

- ☒ Declaration and Power of Attorney
- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement (37 CFR 1.98), Form PTO-1449 and a copy of each cited reference
- ☒ Assignment and Form PTO-1595
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing" computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequences.
- ☐ Other \_\_\_\_\_

8. **Application Filing Fee Calculation**

A. ☒ Utility Application

**FEE CALCULATION:**

Total Claims: 17 - 20 = 15 × \$18 = \$

Independent Claims: 3 - 3 = 0 × \$80 = \$

Basic Fee: .....\$740.00

Multiple-Dependent-Claim Fee : .....\$

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Total of the Above Calculations:..... \$740.00

- ☐ Amendment canceling extra claims enclosed.
- ☐ Amendment deleting multiple dependencies enclosed.
- ☐ Fee for extra claims is not being paid at this time.

B. ☐ Design application - \$320 \$

Application Filing Fee Sub-Total ..... \$

C. ☒ Less 50% reduction for small entity..... \$ 370.00

D. ☐ Non-English Specification - \$130..... \$

**TOTAL FILING FEE ..... \$ 370.00**

9.

**Payment**

☒

Enclosed

☒

Check in the amount of the Total Filing Fee set forth above.

☐

Charge Account No. 19-0079 in the amount of Total Filing Fee set forth above. A duplicate of this transmittal is attached.

☐

Not Enclosed

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper or any paper filed in connection with this Patent Application, or refund any overpayment to our Deposit Order Account No. 19-0079.

Respectfully submitted,



Matthew E. Connors

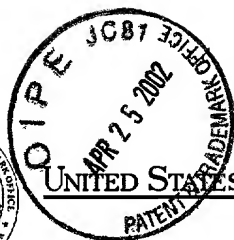
Reg. No. 33,298

Samuels, Gauthier & Stevens LLP

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/098,577         | 03/14/2002          | Jean-Francois Viens   | 6620                   |

Att: Matthew E. Connors  
Samuels, Gauthier & Stevens, LLP  
Suite 3300  
225 Franklin Street  
Boston, MA 02110

|               |   |
|---------------|---|
| SGS DOCKETING |   |
| Action        | <i>On Substantive / On Ms. Pats. Delin.</i> |
| Docket Date   | <i>2002/06/17 / 2002/06/17</i>              |
| Docket By     | <i>ML</i>                                   |

CONFIRMATION NO. 3227

FORMALITIES LETTER



\*OC000000007878223\*

Date Mailed: 04/17/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **3,4,5** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

2002/06/17 15:56:07

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*A copy of this notice MUST be returned with the reply.*

B. Habtewold

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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